



CRL MP(MD) No.1291 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL.M.P.(MD)No.1291 of 2024

in

CRL.A.(MD)No.158 of 2023

JESTINSON

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PUDHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.438/2012)

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant interim suspension of sentence for a period of 3 months to the petitioner son/appellant who was imposed sentence in SC.No.133/2013 dated 13.09.2022 on the files of Sessions Fast Track Mahila Court, Kuzhithurai at Nagercoil.

Prayer in CRL.A.(MD)No.158 of 2023:

To call for records and allow this appeal and acquit the appellant from all the charges by setting aside the impugned judgement passed by Hon`ble Session Fast Track Mahila Court, Kanyakumari at Nagercoil in SC.No.133/2013 by judgment dated 13.09.2022.



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Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.AAYIRAM K SELVAKUMAR, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition is filed seeking interim suspension of sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Kanniyakumari at Nageroil in S.C.No.133 of 2013 dated 13.09.2022 and enlarge the petitioner on bail for a period of three months pending Criminal Appeal.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Sessions Judge, Fast Track Mahila Court, Kanniyakumari at Nageroil, for the offence under Sections 498(A) and 306 IPC and Section 4 of the Dowry Prohibition Act, and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment for the offence under Section 498(A) IPC; to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment for the offence under Section 306 IPC and to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment for the offence under Section 4 of the Dowry Prohibition Act. Pending appeal, he filed the present petition seeking interim suspension of sentence.



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3. The learned counsel for the petitioner submitted that the petitioner's father namely, Joseph Thangaraj @ Vairavan, who is aged about 84 years is suffering from Cardiac issues and his condition is so critical now. The petitioner's mother is also aged about 71 yeras and suffering from all sort of aging ailments. The aged parents expect that they are to be cared by their son/petitioner herein and without his presence, they find it much difficult to face the day-to-day affairs. Hence, the learned counsel for the petitioner seeks for the interim suspension of sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Kanniyakumari at Nageroil.

4. This Court has considered the submissions made by the counsel for the petitioner.

5. The learned Additional Public Prosecutor, on verification, affirmed the above said submission made by the learned counsel for the petitioner.

6. Considering the above situation and in view of the submissions made by the learned counsel for the petitioner which is also affirmed by the learned Additional Public Prosecutor, this Court is inclined to grant interim suspension of sentence for two months.

7. Accordingly, this petition is allowed and the substantive sentence of



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imprisonment alone is suspended for a period of two months from today pending disposal of the appeal with the following directions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Kanniyakumari at Nageroil and

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

(iii) The petitioner/ A1 is directed to surrender before the Superintendent of Prison, Central Prison, Palayamkottai on 08.04.2024.

sd/-
06/02/2024

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/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pjl



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1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
KANNIYAKUMARI AT NAGEROIL

2. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
PUDHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P.(MD)No.1291 of 2024
in
CRL.A.(MD)No.158 of 2023

Date :06/02/2024

SSA//SAR-(07.02.2024) 5P 5C

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